

CITY COUNCIL

Public Safety Committee

Monday, May 2, 2011

Agenda

5:00 p.m.

Committee Members: D. Sterner, Chair; J. Waltman; M. Goodman-Hinnershitz

Although Council committee meetings are open to the public, public comment is not permitted. However, citizens are encouraged to attend and observe the committee meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation from the Committee Chair.

- I. Report – Police Implementation Action Team (D. Sterner)**
- II. Review Housing Strategy**
- III. Update Services Center Implementation Report**
- IV. Quality of Life Ticketing Implementation Report**
- V. Update re Search for Deputy CD Director**
- VI. Housing and Zoning (CE01 & CD01)**
 - a. Review Draft Ordinance from External Legal Counsel
 - b. Housing Registration & Inspection – draft ordinance allowing billing for inspection as per Maximus
 - c. Transiency policy & housing strategy - Jan Finance Meeting
 - d. Update on redraft of Property Maintenance Code
- VII. PS Goal 10: Support Public Safety at City Schools**
 - 1. Update – meeting held January 19

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Public Safety Goals

Goal 1: Coordination of Police, Codes and Zoning Services

Goal 2: Support Problem Oriented Policing

Goal 3: Surveillance Camera Project - *underway*

Goal 4: Support Consolidation of Fire Departments - *underway*

Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel) - *underway*

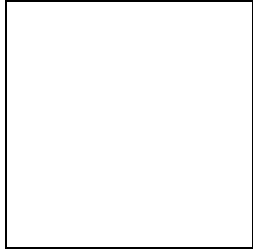
Goal 6: Support Health and Safety Review Ordinances

Goal 7: Support Cops and Codes Sweeps

Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances - *complete*

Goal 9: Support Implementation of Sidewalk Vendor Ordinance -*complete*

Goal 10: Support Public Safety at City Schools



CITY COUNCIL

Public Safety Committee

Monday, April 4, 2011

Council Office

5 p.m.

Committee Members Attending: D. Sterner, chair, M. Goodman-Hinnershitz, J. Waltman

Others Attending: L. Kelleher, W. Heim, C. Younger, H. Tangredi, C. Jones, T. McMahon, S. Hummel

Mr. Sterner called the Committee meeting to order at 5:47pm.

Violence Task Force Report

Ms. Welliver, Coordinator of the Task Force, stated that the Youth Violence Task Force has been working for approximately one and a half (1.5) years to address various issues surrounding the topic. She stated that the Task Force began around 2009 transitioning efforts started under 222 Corridor Anti-Gang Initiative.

Ms. Welliver described the process the Task Force used to prioritize various issues identified through discussion with a wide source of people in groups. She stated that resources have been provided by Saint Joseph's Hospital, who provided mission oriented funding. She stated that the group is currently seeking consensus of the community to direct the implementation of the report developed. She noted the willingness to seek additional funding to further the initiative. She noted that reducing youth violence hinges on reducing truancy. She also stated that the draft report is based on action items and was developed in consultation with the prevention institute. She noted that the Task Force has set an ambitious but realistic plan of reducing youth violence by five percent (5%) by 2014.

Ms. Goodman-Hinnershitz noted that the City's financial limitations, limit its ability to fund

existing and new programs.

Mr. Waltman noted the need for a multi-functional approach that includes outreach and education.

The group next discussed the need for programming, partnership and outreach in a variety of ways.

Ms Goodman-Hinnershitz described her work with the Night Report program for those who have violated their assigned probation. She described the program and suggested that her Council colleagues and the Mayor visit the site and speak with some of those who are in the program.

Services Center Implementation Update

Mr. McMahon stated that as Ms. Weidel was unable to attend tonight's Committee meeting; the update would be deferred to the May Public Safety Committee meeting.

Update Recruitment for Fire Chief, CBO, Deputy CD Director, & Codes Manager

Ms. Hummel reported that interviews for the Fire Chief are being conducted on Wednesday for four (4) candidates, including the Interim Fire Chief. She reported that the Chief Building Official (CBO) was hired and began working for the City on March 28th. She stated that interview for the Codes Manager position is being conducted this Thursday with four (4) candidates including the Interim Codes Manager. Ms. Hummel explained that the candidates for the Deputy CD Director had more experience in the planning field. She stated that Nehr Human Resource Consulting were asked to review the applications again and refer those experienced in the Housing area.

Quality of Life Ticketing Report

Mr. McMahon read the memorandum drafted by the Business Analyst to the Committee. He stated that he has directed the Property Maintenance Aides to educate residents prior to ticketing them.

Mr. McMahon reported that a total of 1,501 tickets were issued and of the \$43,515 in fines, approximately \$16,500 has been collected. An additional \$10 is assessed if the ticket is unpaid after fifteen (15) days of issuance. He also noted that ticket must be paid prior to appeal and if the appeal is successful money is refunded to the resident. He stated that the report on the appeals process will be provided at the May Public Safety Committee Meeting.

Mr. Waltman noted the need to educate the community prior to ticketing.

Ms. Kelleher explained that the Quality of Life Ticketing ordinance was prompted when City Council urged the Administration to move away from notice of violation for basic issues such as improper trash set out, rubbish accumulation, dog dirt accumulation and high grass and weeds, etc. She stated that the notice of violation would be issued when a Property Maintenance Inspector investigated a complaint. The resident was then given a seven (7) to ten (10) day notice

to correct the violation, which created the need for the Property Maintenance Inspector to go back after the period concluded to see if the issue was resolved. She explained that the ordinance was passed during the summer of 2010, and then implemented with a warning period in January. She stated that the program was well publicized; therefore, citizens had more than enough advance notice that the ticketing program was about to begin.

Ms. Goodman-Hinnershitz noted the variables in setting out Solid Waste receptacles and recycling receptacles.

The Committee asked the Interim Codes Manager Ron Natale and the three (3) Property Maintenance Aides to attend that Committee of the Whole meeting in approximately one (1) month for further discussion.

Housing & Zoning

Ms. Kelleher explained that she and Deputy City Clerk Michelle Katzenmoyer are working weekly with Eric Weiss and Ron Natale to get a handle on the illegal housing issues. The group found that the major tipping point occurred at point of transfer. To address the group drafted a certificate of transfer ordinance in consultation with the Recorder of Deeds and the Reading-Berks Association of Realtors. The ordinance will require a Pre-Settlement House and Safety Inspection and then after certifications for water and solid waste occur a certificate of transfer will be issued to the Recorder of Deeds and affixed to the deed. If the certificate is not attached to the deed when it is received when it is received by the Records office, the Recorder will contact the City about the violation.

Ms. Kelleher stated that the City's external legal counsel, Mr. Welz, has been working with City staff to draft a new housing permit ordinance. She stated that the ordinance is coming along nicely and simplifies the process while addressing the backlog. She stated that both groups have reviewed both ordinances to make sure they coordinate. She stated that a full presentation on the pre-draft ordinances will come before Council in late May.

Ms. Kelleher stated that Mr. Kromer is scheduled to give a report on the Housing and Economic Development strategies to Council at the Committee of the Whole meeting on April 11, 2011.

The Committee requested an update on the Housing and Zoning issue at the May Public Safety meeting.

Ms. Kelleher inquired about the redraft of the Property Maintenance code. She noted the need to include topics from the State's Blighted Property legislation that is effective at the end of April.

Public Safety at City schools

Ms. Kelleher reported that the groups met twice; once in January and once in February. Mr. Vecchio volunteered to contact school building Administrators to obtain their input on traffic and other issues and the Police Chief was asked to work with officers in his Department to identify corridors where new security cameras can be installed. Chief Heim noted that the new

surveillance cameras stalled when lack of funding was identified.

Ms. Kelleher was asked to follow-up with School Board Vice President Jim Washington.

Operation of Illegal Garages

Ms. Kelleher stated that garage use is covered within the City's Zoning ordinance.

Mr. Waltman stated that two (2) garages is operating on Windsor Street and while they have Zoning permits, their operations have expanded to a point where work on vehicles is conducted on the sidewalk and in the street.

Chief Heim noted the difficulty in discovering if a garage is operating as a business or as if the garage is used solely for non-profit making purposes.

The Committee noted the need for enhanced enforcement to eliminate the problem with illegal garages.

The Public Safety Committee adjourned at approximately 7:00 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

CITY OF READING, PA
OFFICE OF THE MANAGING DIRECTOR

David B. Kersley, MBA

Business Analyst &

Director of Continuous Improvement

MEMORANDUM

To: Thomas M. McMahon, Mayor

Carl E. Geffken, Managing Director

Daniel S. Robinson, Director of Community Development

Members of Reading City Council

Date: Monday, February 28, 2011

Re: Zoning Backlog for Multifamily Rental Housing

In August, 2010, this office issued a report regarding the status of 1,419 multifamily housing Zoning permit applications then pending before the City of Reading, along with a series of recommendations for clearing this backlog.

Subsequently, members of Council requested the Administration to engage independent legal counsel to evaluate the situation and submit recommendations for dealing with these pending Zoning applications and provide guidance for moving forward. To that end, the City issued a request for proposals for professional legal services, pursuant to which we engaged the Law Offices of Stephen G. Welz, P.C. Today, Mr. Welz will be present before City Council to present a series of findings and recommendations, which I briefly summarize here.

1. Ordinance 61-2007, which laid out the process by which owners of rental housing were to obtain Zoning and Housing Permits, should be repealed for multiple reasons, chief among them being a lack of conformance with the Commonwealth's Municipalities Planning Code because the criteria for the issuance of Zoning permits were linked to issues not related to land use policy. While the City has several remedies for property owners who violate the Property Maintenance Code, fail to obtain a Business Privilege License, or fail to meet other requirements, such matters are distinct from the land-use considerations which must prevail in decisions regarding Zoning.
2. Changes should be made to the City's Codified Ordinances, Chapter 11, Housing, to clarify that payment of an annual rental housing registration fee is different than receiving a Housing Permit to operate multifamily rental housing.
3. Changes should be made to the City's Codified Ordinances, Chapter 11, to provide the Zoning Administrator the explicit authority to approve Zoning applications for all multifamily rental properties for which the City had issued a valid Housing Permit (i.e. were current with Rental Housing Registration fees) in August, 2007 as having demonstrated a prior non-conforming use sanctioned by the City, so long as the number of units on the application matches the number of dwelling units for which each applicant had been issued a Housing Permit.
4. Changes should be made to the City's Codified Ordinances, Chapter 11, to provide the Zoning Administrator the explicit authority to approve multifamily rental Zoning applications which pertain to previously sanctioned uses, and to deny all applications which do not

City of Reading Zoning Ordinance

DEFINITION:

AUTO SERVICE STATION – a place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles are offered for sale at retail to the public. An auto service station may also include supplying services generally required for the operation and maintenance of vehicles, including the sale or dispensing of gasoline or fuel, and/or sale and installation of tires, batteries, automotive accessories and replacement items; providing washing and lubrication services; and performing minor automotive maintenance. Auto service stations shall not be used for painting or repair of vehicle body parts, unless the requirements for Auto Repair are also met.

Permitted by Special Exception in Commercial Highway zoning district
By Variance or pre-existing non-conforming use in other zoning districts

F. Stop Work Orders.

1. Upon notice from the Zoning Administrator that work on or use or occupancy of any structure, sign, land or premises is conducted contrary to the provisions of this Chapter, the Zoning Administrator may require that such work shall be stopped immediately. The stop work order shall be served to the owner of record of the property, or to the designated owner's agent, by certified mail and be posted on the property.
2. Any person who authorizes or continues any work, use or occupancy in or about any structure, sign, land or premises after having been served with a stop work order, except such work as is directed by the City to be performed, shall be in violation of this Chapter and subject to the penalties as set forth in §27-206 hereof.
3. Any person who has been served with a stop work order or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall thereafter be abated as permitted by statute or ordinance.

§27-204. Enforcement Notice.

A. If it appears to the Zoning Administrator that a violation of any provision of this Chapter has occurred, an investigation shall occur. The Zoning Administrator shall then initiate enforcement proceedings against a violation by sending an enforcement notice as provided in this Section. Prior to sending a formal Enforcement Notice, the Zoning Administrator may seek compliance in a less formal manner.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to a known occupant involved in a violation (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding that property.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person known by the Zoning Administrator to be involved in the violation.
2. The location of the property in violation.
3. The specific violation(s), with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal in writing to the Zoning Hearing Board within 30 days of receipt of the notice.

D. Any person who authorizes or continues any work, use or occupancy in any structure, sign, land or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this Chapter and subject to the remedies set forth in §27-205 and §27-206 hereof. *City of Reading Zoning Ordinance – As Adopted July 26, 2010*

E. Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, building, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall, thereafter, be abated as permitted by statute, ordinance or law.

F. In any appeal of an enforcement notice to the Zoning Hearing Board, the City shall have the responsibility of presenting its evidence first.

G. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the City if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

§27-205. Causes of Action.

In the event any structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this Chapter, the City, through its designated staff, or any aggrieved owner or tenant of real property who can show that his or her property or person will be substantially affected by the alleged violation, may institute any appropriate legal, equitable or otherwise, action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Zoning Administrator with a copy of the complaint thereon. No such action may be maintained until such notice has been given.

§27-206. Enforcement Remedies.

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not less than \$100, and not more than \$500, plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the City of Reading. This Article does not authorize imprisonment.